IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 7009 of 1997

Between:

1 K.Srinivasulu S/o Hanumanthappa
SMP Colony Yemmiganur
Kurnool
2 C.Siraj Ahmad S/o C.A.Karim
SMP Colony Yemmiganur
Kurnool
3 P.Naryana S/o Chinna Ramaiah
SMP Colony Yemmiganur
Kurnool

..... PETITIONERS

AND

1 The Vice-Chairman & manging Director , A.P.State Road Transport

Corporation, Hyderabad
2 The Executive Engineer(civil) A.P.S.R.T.C., Kurnool
3 The Deputy Executive Engineer(civil) A.P.S.R.T.C., Kurnool
4 The Deputy Executive Engineer(civil) A.P.S.R.T.C., Nandyal

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or writ particularly one in the nature of writ of mandamus declaring the action of the respondents in threatening the petitioners to terminate their services as illegal ,arbitrary and offending Article 14 of constitution of India and consequently direct the respondents to continue the petitioners in service.

Counsel for the Petitioners: MR.V.VISWANATHAM

Counsel for the Respondents: MR.P.VINAYAKA SWAMY (SC FOR APSRTC)

The Court made the following :

O R D E R:

This Writ Petition is filed by the petitioners, who are in three in number, seeking a direction to the respondents not to terminate the services as well as to direct the respondents to continue the petitioners in service with all consequential benefits.

2. This Court while admitting the Writ Petition issued an interim order on 4.4.1997, directing the respondents to continue the petitioners in service in the same status in which they are working. At the time of final hearing, it is represented by the learned counsel for the petitioners that with reference to similarly placed persons, this Court passed an order dated 24.10.1996 in W.P.No.17218 of 1992, following an earlier order in W.P.No.92 of 1993, dated 10.10.1996 in which the Corporation was directed to continue the petitioners in the same status, with a further a direction to consider their cases for appointment in suitable posts, subject to the availability of the vacancies and fulfilling the educational and other qualifications, and till their cases are considered, they shall be construed to be employed on the same terms and conditions on which they have been employed till date. The learned counsel, therefore, sought for a similar direction in the present Writ Petition also.

3. The learned Standing Counsel for the Respondents, however, disputed that the petitioners are not the employees of the Corporation, but they were engaged by the contractor of the Civil Engineering Department. Therefore, there is no relationship of the employee and employer between the petitioners and the respondent-Corporation.

4. But in the earlier orders passed by this Court in both the writ petitions, the petitioners therein are similarly placed to that of the petitioners herein. There also the stand of the Corporation was that the petitioners were engaged by the contractors of the Civil Engineering Department. But, this Court negatived the contentions of the Corporation. In fact, the petitioners filed` proceedings of the Engineer-in-Chief of the Civil Engineering Department of the Corporation, which shows that there was a settlement between the Corporation and the National Mazdoor Union, as per which even the casual and contract labour of the Civil Engineering Department, who have completed 240 days, were agreed to be

regularized.

5. In view of the above circumstances, and in view of the earlier Judgments of this Court, the Writ Petition is disposed of in terms of the Judgment of this Court in W.P.No.92 of 1993, dated 10.10.1996.

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S. Ananda Reddy, J.

Dt. 04.11.2004

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THE HON'BLE MR. JUSTICE S. ANANDA REDDY

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W.P.No. 7009 of 1997

O R D E R

04..10..2004

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1. The Vice-Chairman & Managing Director , A.P. State Road Transport

Corporation, Hyderabad
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